

CHAPTER 108

Senate Bill 256

AN ACT

RELATING TO FORECLOSURE OF MORTGAGES; REQUIRING COMPLAINT TO SET FORTH WITH PARTICULARITY THE ESTATE, INTEREST OR LIEN OF THE STATE; AUTHORIZING THE ATTORNEY GENERAL TO FILE A DISCLAIMER, AND AMENDING SECTION 33-724, ARIZONA REVISED STATUTES.

**Be it enacted by the Legislature of the State of Arizona:**

Section 1. Sec. 33-724, Arizona Revised Statutes, is amended to read:

33-724. STATE AS PARTY TO FORECLOSURE ACTIONS

A. The state may be made a party to an action to foreclose a mortgage upon real property when the state claims any estate, interest in or lien upon such real property. The complaint shall set forth the nature of the estate, interest or lien allegedly claimed by the state.

B. When the state is made defendant, a copy of the summons and complaint shall be served upon the attorney general if the action is pending in Maricopa county, or upon the county attorney of the county where the action is pending if in a county other than Maricopa, and it shall be the duty of such county attorney forthwith to transmit the summons and complaint to the attorney general and to file pleadings in the action as directed by the attorney general.

C. If after appropriate investigation, it appears to the attorney general that the proceeds from the sale of the property would be insufficient to wholly or partly satisfy any inferior lien of the state, or that the claim of the state has been satisfied or by lapse of time or otherwise has become unenforceable, the attorney general may file a disclaimer of interest releasing the property from such lien.

Approved by the Governor—April 29, 1970

Filed in the Office of the Secretary of State—April 29, 1970

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